

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 09/28/04

AGENDA ITEM 4

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of an Ordinance Amending Sections 10-1.2020(b)(3) and 10-1.3510 of Article 1 of Chapter 10 of the Hayward Municipal Code, Establishing Provisions for Batch Plants

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

BACKGROUND:

The ordinance was introduced at the September 21, 2004, meeting of the City Council with the following vote:

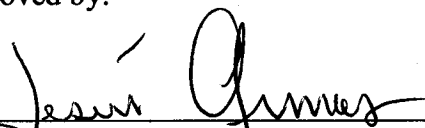
AYES:	Council Members:	Jimenez, Halliday, Ward, Dowling, Henson
	Mayor:	Cooper
NOES:	Council Members:	None
ABSENT:	Council Members:	Quirk
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on September 25, 2004. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:


Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING SECTIONS 10-1.2020(b)(3)
AND 10-1.3510 OF ARTICLE 1 OF CHAPTER 10 OF THE
HAYWARD MUNICIPAL CODE, ESTABLISHING
PROVISIONS FOR BATCH PLANTS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Section 10-1.2020(b)(3) of the Hayward Municipal Code relating to Conditional Uses in the Agricultural (A) District is hereby amended to add the following:

“(a) Asphalt or concrete batch plant, when ancillary to a quarry.”

Existing subsections (a) through (f) are renumbered as (b) through (g).

Section 2. Section 10-1.3510 of the Hayward Municipal Code is hereby amended to add the following definition:

“BATCH PLANT. Any operation that involves sorting, crushing, reducing, refining, mixing, packaging or other processing of minerals for intermediate or final consumption.”

Section 3. SEVERANCE. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 4. EFFECTIVE DATE. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective upon its adoption.

Introduced at a regular meeting of the Hayward City Council held September 21, 2004, the above-entitled ordinance was introduced by Council Member Ward.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on September 28, 2004, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: September 25, 2004

Angelina Reyes, City Clerk
City of Hayward